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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/538,351

03/29/2000

Katherine H. Guo

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6141

46363 7590 08/26/2005

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EXAMINER

ENGLAND, DAVID E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/538,351	GUO ET AL.	
	Examiner	Art Unit	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. Claims 1 and 5 – 8 are presented for examination.

#### ***Claim Objections***

2. Claims 1, 5 – 8 are objected to because of the following informalities: In claims 1 and 5, the limitation of “Helpful Server (HS)” is not stated in the specification. What is stated is a “Helper Server (HS)”. Applicant is asked to amend this minor oversight so the claim language can reflect on the specification.
3. Claims 6 – 8 are objected for their dependency on claim 5.
4. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyal (6484199) in view of Hunter et al. (6647417) (hereinafter Hunter).

7. As per claim 1, as closely interpreted by the Examiner, Eyal teaches a method for caching streaming multimedia (SM), comprising:

8. calculating, at a content server that is hosting a plurality of SM objects, a server hotness rating for each SM object, said content server being connected to a plurality of helpful server (HSs) in a network, each server hotness rating being a sum of helper hotness ratings over said HSs, each helper hotness rating being a local measure of client demand for each SM object, (e.g. col. 12, lines 37 – 67 & col. 30, line 13 – col. 31, line 63);

9. categorizing each SM object into one of a plurality of server hotness categories based on calculated server hotness rating, (e.g. col. 12, lines 37 – 67 & col. 30, line 13 – col. 31, line 63);  
and

10. pushing, from said content server to all HSs, said HSs caching each SM object for distribution to a plurality of clients, (e.g. col. 12, lines 37 – 67 & col. 30, line 13 – col. 31, line 63), but does not specifically teach pushing, from said content server to all HSs, a fraction of each SM object, each fraction being determined according to said server hotness category, said HSs caching said fractions of each SM object for distribution to a plurality of clients.

11. Hunter teaches pushing, from said content server to all HSs, a fraction of each SM object, each fraction being determined according to said server hotness category, said HSs caching said fractions of each SM object for distribution to a plurality of clients, (e.g., Fig. 2 “*Previewing*” & col. 8, lines 20 – 63 & col. 9, lines 25 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hunter with Eyal because rating media data to the specification of a group of clients give the ability to transmit only a preview of the media if the client does not wish to listen or view all of the media which would use less

bandwidth to only play a preview of the media, unless the client request, by rating, the media more often or wishes to download the media, then the bandwidth would then be fully utilized for said full download.

12. Claims 5 and 6 are rejected for similar reasons as stated above.

13. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyal and Hunter as applied to claim 5 above, and in further view of Saxena et al. (5805821) (hereinafter Saxena).

14. As per claim 7, as closely interpreted by the Examiner, Eyal and Hunter do not specifically teach a deterministic cache placement and replacement policy is implemented at the HSs. Saxena teaches a deterministic cache placement and replacement policy is implemented at the HSs, (e.g., col. 23, lines 1 – 33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Saxena with the combine system of Eyal and Hunter because an important element of video delivery is that the data stream be delivered isochronously, that is without breaks and interruptions that a viewer or user would find objectionable.

15. As per claim 8, as closely interpreted by the Examiner, Eyal and Hunter do not specifically teach a random cache placement and replacement policy is implemented at the HSs. Saxena teaches a random cache placement and replacement policy is implemented at the HSs,

Art Unit: 2143

(e.g., col. 23, lines 1 – 33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Saxena with the combine system of Eyal and Hunter because of similar reasons stated above.

### *Response to Arguments*

16. Applicant's arguments with respect to claims 1, 5 – 8 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. a. Verbiest et al. U.S. Patent No. 5550577 discloses Video on demand network, including a central video server and distributed video servers with random access read/write memories.

19. b. Hosken U.S. Patent No. 6438579 discloses Automated content and collaboration-based system and methods for determining and providing content recommendations.

20. c. Crinon U.S. Patent No. 6331859 discloses Video skimming system utilizing the vector rank filter.

Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912.

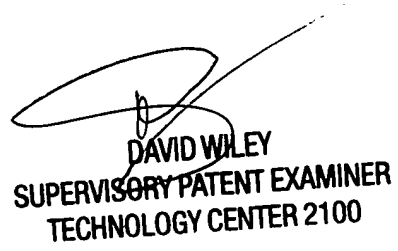
The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England  
Examiner  
Art Unit 2143

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DAVID WILEY  
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